

THE EFFECTIVE DATE OF THIS ORDINANCE IS APRIL 1, 2008

ORDINANCE NO. 08-01-477

Re: Public Notice of Minor Subdivisions

BACKGROUND

On September 17, 2007, the Board of County Commissioners of Frederick County (BOCC) held a worksession to discuss the public notification process for minor subdivisions. The BOCC directed staff to consider and return with options for providing notice to the public of minor subdivisions.

On October 25, 2007, the Board of County Commissioners (BOCC) initiated a text amendment to the Subdivision Rules and Regulations to require public notification of minor subdivisions, including posting of signs and contact information.

On December 12, 2007, the Frederick County Planning Commission held a public hearing on this ordinance and recommended approval of the ordinance to the BOCC.

On January 8, 2008, the BOCC held a public hearing on this ordinance, during which the public had an opportunity to provide comments.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND that the following new subsection §1-16-8(G) shall be added to the Frederick County Subdivision Rules and Regulations:

§ 1-16-8. MINOR SUBDIVISIONS.

[Subsections (A) through (F) are unchanged]

(G) IF THE MINOR SUBDIVISION APPLICATION PROPOSES THE CREATION OF MORE THAN ONE NEW LOT, IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO PLACE A PUBLIC NOTICE SIGN FOR ALL MINOR SUBDIVISION APPLICATIONS WITHIN 10 FEET OF EACH PROPERTY LINE THAT ABUTS A PUBLIC ROAD. IF THE PROPERTY DOES NOT ABUT A PUBLIC ROAD, A SIGN SHALL BE PLACED IN SUCH A MANNER SO THAT IT MAY BE MOST READILY SEEN BY THE PUBLIC:

(1) THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW SHALL PROVIDE THE REQUIRED SIGN(S).

(2) THE SIGN(S) SHALL INCLUDE THE PROJECT NAME, CASE NUMBER, A DESCRIPTION OF THE APPLICATION, STAFF CONTACT INFORMATION, AND A FINAL DATE AND TIME FOR REQUESTING INFORMATION CONCERNING THE MINOR SUBDIVISION.

(3) THE SIGN(S) SHALL BE PLACED ON THE PROPERTY WITHIN TEN (10) BUSINESS DAYS AFTER THE DATE ON WHICH THE FIRST AGENCY REVIEW COMMENTS ARE SENT TO THE APPLICANT. THE SIGN(S) SHALL REMAIN ON THE PROPERTY FOR AT LEAST 20 DAYS.

(4) THE SIGN(S) SHALL BE AFFIXED TO A RIGID BOARD AND MAINTAINED AT ALL TIMES BY THE APPLICANT UNTIL THE FINAL DATE AND TIME NOTED ON THE SIGN FOR REQUESTING INFORMATION CONCERNING THE MINOR SUBDIVISION.

(5) THE APPLICANT SHALL FILE A NOTARIZED AFFIDAVIT CERTIFYING THAT THE REQUIRED SIGN(S) HAS BEEN POSTED.

(6) IF ANY PERSON REMOVES OR TAMPERS WITH A POSTED SIGN DURING THE POSTING PERIOD, THAT PERSON, UPON CONVICTION, SHALL BE GUILTY OF A MISDEMEANOR.

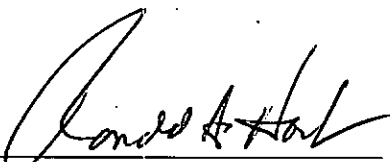
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall apply to minor subdivision applications filed and accepted on or after the effective date of this Ordinance.


AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on April 1, 2008.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 8th day of January, 2008.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
FREDERICK COUNTY, MARYLAND


Ronald A. Hart, County Manager

BY:  (SEAL)
Jan H. Gardner, President

KAM
1/10/08